

**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR**

Original Application No. 290/00077/2021

Date of decision: 05.05.2021

**CORAM**

**HON'BLE MRS. JASMINE AHMED, MEMBER (J)**  
**HON'BLE MS. ARCHANA NIGAM, MEMBER (A)**

Dr. Puneet Setia S/o Late Mr. J.R. Setia, Aged about 43 years, C/o Department of Forensic Medicine and Toxicology, All India Institute of Medical Sciences, Jodhpur Basni Phase-II, Jodhpur-342005. (Presently working on the post of Additional Professor, Department of Forensic Medicine and Toxicology, AIIMS, Jodhpur)

.....Applicant

By Advocate: Mr. Ankur Mathur, present through VC.

Versus

1. Union of India through Secretary, Ministry of Health & Family Welfare, Nirman Bhawan, New Delhi -110011.
2. All India Institute of Medical Sciences, Jodhpur through its Director, AIIMS Campus, Basni Phase-II, Jodhpur.

.....Respondents

By Advocate: Mr. K.S. Yadav, present through VC after getting an advance notice on behalf of the respondents.

**ORDER (ORAL)****Per Hon'ble Mrs. Jasmine Ahmed, Member (J)**

Heard.

2. The only small issue involved in this OA at this stage, as per the contention of learned counsel for the applicant, is that the applicant being senior most has not been given the charge of Head of Department.

3. It is the contention of the learned counsel for the applicant that irrespective of the post held by the doctor in the Department, by virtue of seniority, the Head of Department charge is given to them. Here, in this case, this procedure has not been followed. In this regard, he drew out attention to page 41 of the OA, i.e. letter dated 16.07.2019 wherein he has shown that the Additional Professors have been entrusted the charge of Head of Department by virtue of their seniority in the department but in applicant's case that procedure has not been followed for reasons best known to the respondents. Hence, the applicant approaches this Tribunal being aggrieved by the letter dated 15.04.2021 passed by the respondents whereby Head of Department charge of the applicant has been given to somebody else ignoring him.

4. When a question put to learned counsel for the applicant whether the applicant has preferred any representation against impugned order dated 15.04.2021 ventilating his grievances before the respondent or not, the reply came in negative. Hence, we feel that the applicant should have brought this issue before the respondents first and thereafter, if he is aggrieved then he may have approached this Tribunal. Moreover, clause 6 of prescribed format of Original Application provides that anybody who approaches this Tribunal should have exhausted local remedies available to him and then approach this Tribunal. However, the applicant has not exhausted local remedies available to him and immediately approached this Tribunal after issuance of impugned order dated 15.04.2021 by the respondents. Hence, we direct the applicant to prefer representation to the respondents citing all examples of discrimination as has been alleged by him.

5. Accordingly, the applicant is directed to file a representation to the respondents ventilating his grievances, within a week from today and thereafter, the respondents, after receiving it, are directed to take a decision on the representation of the applicant by passing a reasoned speaking order within one month from the date of receipt of the same.

6. With the above directions, OA is disposed off at the admission stage itself. It is made clear that nothing has been commented on merits of the case while disposing of the present case.

**(ARCHANA NIGAM)**  
**MEMBER (A)**

**(JASMINE AHMED)**  
**MEMBER (J)**

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